

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
ROBERT SAMPSON,

*Plaintiff,*

v.

STONY BROOK UNIVERSITY; and MAURIE  
MCINNIS, in her official capacity as President of  
Stony Brook University,

*Defendants.*

2:22-cv-04490  
(JMA) (AYS)

**DECLARATION OF DAVID  
COHEN, M.D.**

**DAVID COHEN** declares, under penalty of perjury:

1. I am a physician, employed at Stony Brook University's Renaissance School of Medicine (the "School of Medicine"), where I hold the positions of Associate Dean of Student Affairs and Associate Professor of Emergency Medicine.

2. I submit this declaration in support of the Defendants' opposition to plaintiff Robert Sampson's motion for a preliminary injunction. I am familiar with the facts and circumstances related to this litigation.

3. In my position as Associate Dean of Student Affairs, my responsibilities include working with students who wish to take a leave of absence from the School of Medicine to pursue other academic programs or research. Students are required to submit a formal request for such a leave of absence. I normally review these requests and determine whether or not to approve them.

4. In April of 2021, Robert Sampson sent me an email inquiring about enrolling in an MBA program at Stony Brook University (“SBU”). *See* email chain between David Cohen and Robert Sampson (Apr. 29, 2021), annexed hereto as **Exhibit A**.

5. At that time I was new to the position of Associate Dean of Student Affairs and wanted to make sure that any information I provided to Mr. Sampson would be accurate and helpful, so I responded to Mr. Sampson that I would look into the requirements. *Id.*

6. After speaking with colleagues and reviewing the School of Medicine’s Manual of Academic Policies and Procedures, it became clear to me that the School of Medicine’s policies required Mr. Sampson to at least take and pass the Step 1 exam prior to taking any leave of absence for another academic program.

7. I was aware that Mr. Sampson had not passed the Step 1 exam.

8. For this and other reasons, it did not appear to be advisable for Mr. Sampson to take a leave of absence from his medical studies to pursue an MBA.

9. On May 17, 2021, Mr. Sampson wrote to inform that he would like to submit an application to the college of business, and asked for a meeting. *See* email chain between David Cohen and Robert Sampson (May 17, 2021, July 1, 2021, July 18, 2021), annexed hereto as **Exhibit B**.

10. Mr. Sampson did not submit a formal request for a leave of absence, and I did not approve a leave of absence from the School of Medicine for Mr. Sampson to take the MBA program.

11. On July 18, 2021, Mr. Sampson forwarded me an email he had sent to Dean William Wertheim requesting what appeared to be an extension of his deadline to take his Step 1 and Step 2 exams. *See* Ex. B. Mr. Sampson also informed Dean Wertheim that he had begun his studies in the MBA program. Given that Mr. Sampson was writing directly to Dean Wertheim, I assumed that Mr. Sampson understood that I had not approved a leave of absence for him to take the MBA program. *See* Ex B.

12. In September 2021, I wrote an email to Mr. Sampson to inquire as to when he planned to take the Step 1 exam. I reminded him that his deadline to take the Step 1 exam was September 12, 2021. Email from David Cohen to Robert Sampson (Sept. 15, 2021), annexed hereto as **Exhibit C**. I also reminded Mr. Sampson that he had to complete all of his requirements for graduation by August of 2022.

13. In sum, Mr. Sampson never submitted a formal request to take a leave of absence to enroll in the MBA program at SBU. Regardless of whether he submitted a request in any form or of any type, I did not approve a leave of absence for Mr. Sampson to enroll in the MBA program.

WHEREFORE, I respectfully request that the Court deny Mr. Sampson's motion for a preliminary injunction.

Dated: Stony Brook, New York  
September 9th, 2022

A handwritten signature in black ink, appearing to read "David B. Cohen". The signature is written in a cursive, flowing style with a large initial 'D'.

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David Cohen, M.D.